

STAT

OS REGISTRY

20 MAY 1988

30 March 1988
OCA 88-0974

MEMORANDUM FOR: Deputy Comptroller
DPS&T/EO

NIC/Narcotics

[redacted]/DDC

C, [redacted] DDO

FROM: [redacted] Legislation Division
Office of Congressional Affairs

RE: DeConcini/English Omnibus Anti-Drug Legislation

1. On 23 March 1988, Senator DeConcini and Representative English introduced new, comprehensive anti-drug legislation, the "Omnibus Anti-Drug Abuse Act of 1988": S. 2205 and H.R. 4230. Attached for your review and comment is a copy of the Senate version, along with the introductory remarks of DeConcini (Congressional Record, 23 March, pp. S2857-2858) and English (Congressional Record, 23 March, pp. H1140-1141).

2. This legislation is not a new version of the "drug czar" legislation but is, instead, a "follow-on" to the 1986 comprehensive, anti-drug legislation. In the Senate, where it was referred to the Judiciary Committee, it enjoys a large and bipartisan sponsorship, including several members of the Senate Select Committee on Intelligence (SSCI) besides Senator DeConcini.

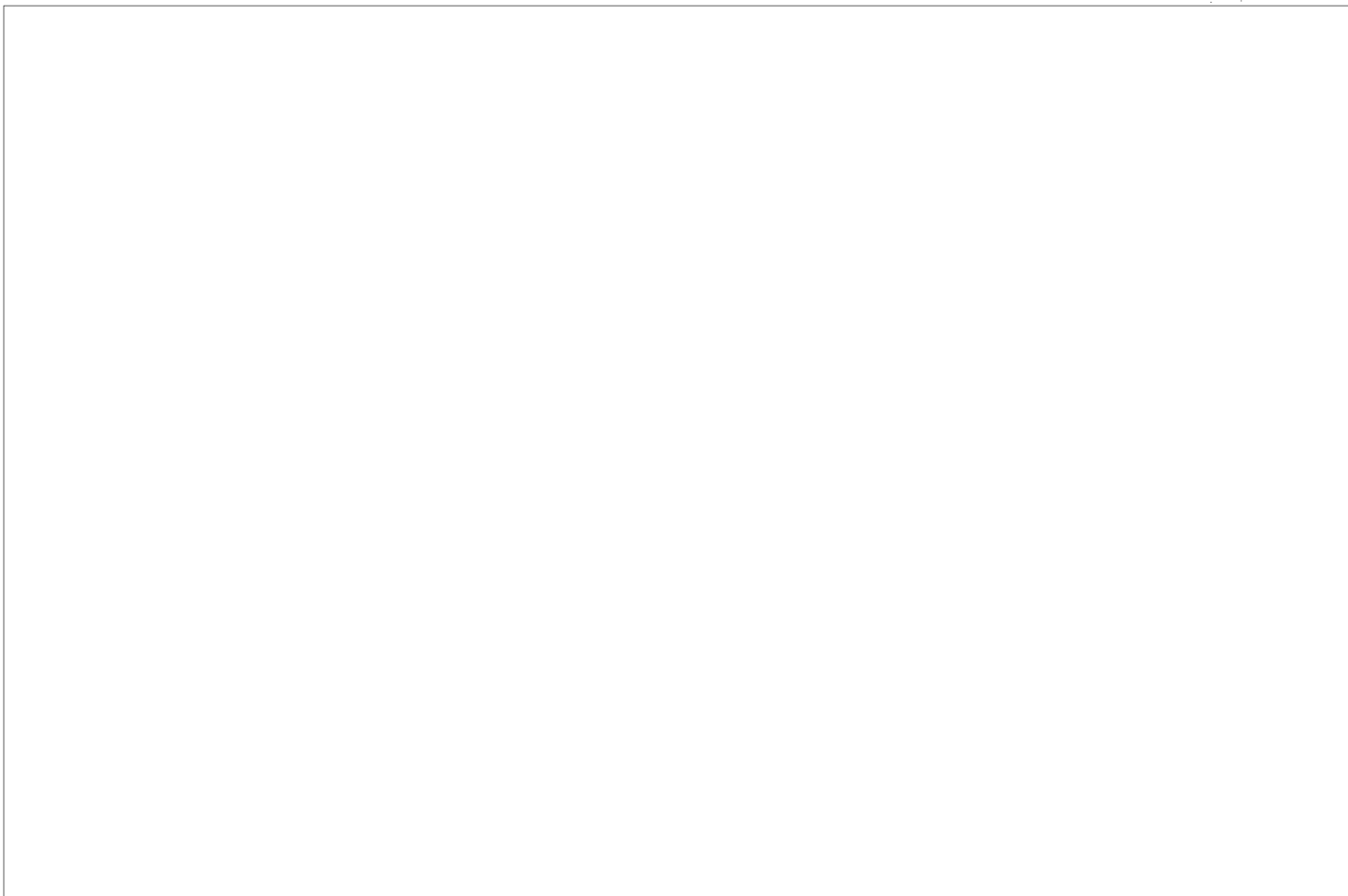
3. At present, the House version appears to be cosponsored by only eight Members. These include, however, several influential members such as Representative Farnsworth, Chairman of the Foreign Affairs Committee, and Representative Pepper, Chairman of the Rules Committee and we understand other Members are seeking to cosponsor it. The House bill has been referred to eleven House different committees, including the Permanent Select Committee on Intelligence (HPSCI). Normally such a referral would signal that the legislation had no chance for expeditious action. You will recall, however, that the 1986 legislation had a similarly wide referral but that the House leadership, working closely with the committee chairmen, obtained swift action on it. Similar action is possible with respect to this legislation, if the House leadership determines to back it.

4. In this regard, we understand that, as in 1986, there may be several, competing omnibus bills in addition to these two. Other possibilities include: 1) a Senate bill authored by Senator Biden, the author of the "drug czar" legislation; 2) a House Democratic leadership bill; 3) a House Republican leadership bill; and, 4) an Administration bill.

5. Although you may wish to review the entire bill, your attention is specifically directed to the following provisions.

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13. We will keep you advised of activity in this area.
Please forward any comments on the legislation to this office.

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Attachments

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OCA/LEG/ [redacted] (30 March 1988)

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22 APR 1988

TRANSMITTAL SLIP

TO:

Debbie / O/S Policy Branch

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ROOM NO.

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REMARKS:

29 APR 88

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FROM

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10CA / Leg
HQ

FORM NO

REPLACES FORM 36-R

(47)

1 Justice for fiscal year 1989, \$10,000,000: *Provided*, That
2 such expanded or new training facilities shall be primarily for
3 basic and advanced training of drug enforcement personnel of
4 the Department of Justice.

5 (d) The Attorney General of the United States is direct-
6 ed to report in writing to the appropriate committees of Con-
7 gress by no later than 90 days from the date of enactment of
8 this Act with his preliminary plans for the training facility
9 improvements authorized in subsections (b) and (c).

10 **Subtitle C—Federal Law Enforcement**
11 **Language Training Improvement**
12 **Act of 1988**

13 **SEC. 703. FOREIGN LANGUAGE TRAINING.**

14 (a) The Department of Defense is authorized to provide,
15 on a cost reimburseable basis, foreign language training at
16 the Defense Language Institute to special agents of Federal
17 civilian agencies involved in drug law enforcement.

18 (b) The Department of State is authorized to provide, on
19 a cost reimburseable basis, foreign language training at the
20 Foreign Service Institute to special agents of Federal civilian
21 agencies involved in drug law enforcement.

22 (c) The Drug Enforcement Agency is authorized to—

23 (1) detail special agent personnel for foreign lan-
24 guage training to the Defense Language Institute or
25 the Foreign Service Institute; and

1 (2) reimburse, from appropriated funds, the De-
2 partments of Defense and State for the cost of training
3 provided.

4 (d) The Customs Service is authorized to—

5 (1) detail special agent personnel for foreign lan-
6 guage training to the Defense Language Institute or
7 the Foreign Service Institute, or both; and

8 (2) reimburse, from appropriated funds, the De-
9 partments of Defense and State for the cost of training
10 provided.

11 (e) The Immigration and Naturalization Service is au-
12 thorized to—

13 (1) detail investigative personnel for foreign lan-
14 guage training to the Defense Language Institute or
15 the Foreign Service Institute; and

16 (2) reimburse, from appropriated funds, the De-
17 partments of Defense and State for the cost of training
18 provided.

19 (f) The following amounts are authorized to be appropri-
20 ated to implement the provisions of this section:

21 (1) to the Commissioner of Customs, only for obli-
22 gation for special agent foreign language training,
23 \$5,000,000;

1 (2) to the Administrator of the Drug Enforcement
2 Administration, only for obligation for special agent
3 foreign language training, \$5,000,000; and

4 (3) to the Commissioner of the Immigration and
5 Naturalization Service, only for obligation for special
6 agent foreign language training, \$1,000,000.

7 (g) Moneys appropriated pursuant to this section shall
8 remain available until expended.

9 (h) Moneys appropriated pursuant to this section shall be
10 in addition to any appropriations requested by the President
11 in his fiscal year 1989 budget as presented to the Congress
12 on February 18, 1988, or provided in regular appropriations
13 Acts or continuing resolutions for the fiscal year ending Sep-
14 tember 30, 1989.

15 **Subtitle D—Authorization of Appro-**
16 **priations for Special Training Cen-**
17 **ters**

18 **SEC. 704. ESTABLISHMENT OF NATIONAL TRAINING CENTER**
19 **IN EL RENO, OKLAHOMA.**

20 (a) There is authorized to be appropriated to the Bureau
21 of Justice Assistance for the fiscal year 1989, \$10,000,000,
22 for the establishment of a national training center in El Reno,
23 Oklahoma, to be utilized for the training of Federal, State,
24 and local prison officials in drug rehabilitation programs tar-
25 geted to criminals convicted of drug-related crimes or who

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25 APR 1988

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REMARKS:

29 APR 88

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CIA-RDP91B00390R000300210023-9



Washington, D.C. 20505

19 APR 1988
OCA 88-1188

James C. Murr
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Murr:

I write in response to your Legislative Referral Memorandum of 29 March 1988 seeking the views of the Director of Central Intelligence on S. 2205 and S. 2206.

We have no comment on S. 2206 nor on any of the provisions of S. 2205, save those noted below.

Section 601 of S. 2205 mandates the establishment of a "Research and Technology Group" under the National Drug Policy Board (established in 1984 under the provisions of Public Law 98-472, 21 U.S.C. §1201 et seq, and modified by Executive Order 12590, 26 March 1987). The Group would be responsible for reviewing the research, development, technology and evaluation programs of the Department of Defense (DoD) and other federal agencies to assess their applicability to the operations, programs and missions of federal law enforcement agencies.

Under the Group would be established a "Research, Technology and Acquisition Advisory Board". Composed of private sector, academia and governmental representatives, it would make recommendations to the Group on the application of research and development programs to the missions of federal law enforcement agencies and review the ongoing operations of federal agencies. In addition, this Board would serve as an "advocacy group" for the "National Technology Development Centers" to be established by Section 602 of the bill.

The goal of providing more research and development assistance to the anti-drug efforts of federal law enforcement agencies is a laudable one. The Director of Central

Intelligence fully supports this goal and, as a sitting member of the National Drug Policy Board, supports Board policy in this area. The National Drug Policy Board would appear, though, to have sufficient authority to create subordinate administrative entities to assist it in achieving this goal. Thus, we question whether it is necessary to create them by statute. We defer to the Board, however, as to whether Section 601 is objectionable for this reason. We do have a separate concern, though, with the extent of the powers and duties of the subordinate entities to be created by Section 601 which will be discussed below.

Section 602 directs the President to establish within eight specified federal agencies "National Technology Development Centers" to provide research and development support to federal law enforcement activities. Among the agencies listed are the Central Intelligence Agency and the National Security Agency. Revision of the affected agencies' statutory charters to accommodate this result would be mandated. A separate, dedicated budget system for these activities would be established and the Comptroller General (General Accounting Office) would be instructed to monitor the entire process and and report periodically to the Congress.

In effect, Section 602 bypasses the normal, Executive/Legislative budget process to carve out of already scarce Intelligence Community budget resources a separate, non-intelligence activity. To begin with, this would obviously detract from important national intelligence research and development priorities already set by the Congress and the Executive. In addition, the statutory creation of such hybrid activities runs contrary to sound budget and management policy.

More importantly, the establishment of a system of entities within the Intelligence Community dedicated by statute to non-intelligence activities undermines the flexibility which the DCI currently enjoys with respect to deployment of intelligence resources. This is aggravated by subsection (a) of Section 601 which vests in the "Research and Technology Group" (to be created under the Board) the power and duty to review Agency and Community R&D activities and assess their applicability to law enforcement activities. The importance of permitting the DCI to cooperate in the war on drugs while otherwise preserving his flexibility was deemed of sufficient value by Congress that a provision preserving that flexibility was specifically included in the statute which established the National Drug Policy Board. 21 U.S.C. §1303(e). Section 602, especially when coupled with Section 601(a), undermines this flexibility and is thus objectionable.

We also note that under both sections the number of persons with access to very sensitive activities would proliferate, increasing the difficulty of protecting sensitive intelligence sources and methods from unauthorized disclosure.

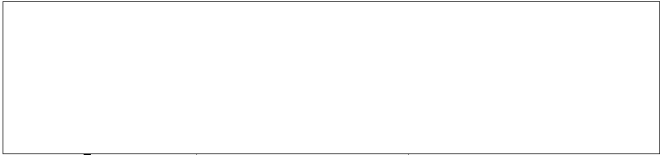
Finally, we would object to Section 602 in that it grants to the Comptroller General the power and duty to oversee the creation of these Centers. The Agency has set forth on numerous occasions its opposition to making intelligence matters subject to General Accounting Office audit and is, for the same reasons, opposed here.

These concerns would, of course, be removed were all references to the Central Intelligence Agency and the National Security Agency struck from Section 602.

With respect to Section 1005, "Federal Debt Collection", we are concerned that its rather broad thrust and scope could interfere with the Agency's special statutory authorities and with its ability to conduct intelligence activities. Before commenting further, however, we would like to review the comments of other agencies on the provision.

We appreciate the opportunity to comment on this important piece of legislation. We will continue to monitor it and look forward to the opportunity to review the written comments of other agencies and the final Administration position statement on the bill.

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John Helgerson
Director of Congressional Affairs